

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6623 of 2007()

CRIME NO. 362/07 OF VARKALA POLICE STATION

PETITIONER : ACCUSED:

P.N.RAVEENDRAN, S/O.NARAYANAN, AGED
60 YEARS CHABDRATHIL YEARS, CHANDRATHIL VEEDU,
KAPPIL P.O., EDAVA, THIRUVANANTHAPURAM.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS: COMPLAINANTS:

1. JAYALEKHA, D/O.GOVINDAN, YAMUNA VILASAM
VADASSERIKKONAM P.O., CHERUNNIYOOR, VARKALA.
2. STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.
3. SUB-INSPECTOR OF POLICE, VARKALA
POLICE STATION.

R2 & 3 BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 6623 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. The marriage took place on 11.2.1982. The spouses are blessed with three children. The complaint was filed by the wife directly to the police under Section 498A I.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are totally false. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The petitioner may be saved of the undeserved trauma of arrest and incarceration in prison, submits the learned counsel.

3. The learned Prosecutor does not oppose the application. In the circumstances of the case, I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner, subject to appropriate conditions. In coming to this conclusion I take note

of the fact that arrest and incarceration of the petitioners is likely to mar all possibilities of reconciliation of marital relationship. I do also take note of the submission of the learned Prosecutor that there is no allegation that the defacto complainant has suffered any external physical injury. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 7.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 8.11.07 and 9.11.2007 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 7.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 7.11.9.2006 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 7.11.2007.

(R. BASANT)
Judge

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